

DEQ - Meetings Subject to the Requirements of the Open and Public Meetings Act

If the meeting is:

- 1) of a "public body" (administrative, advisory, or executive body created by statute or rule that consists of two or more persons and is vested with authority to make decisions regarding the public's business),
- 2) with a quorum present,
- 3) a convening of the body to include a workshop or an executive session held in person or by means of electronic communications or a site visit or traveling tour, and
- 4) for the purpose of the public body discussing or acting upon a matter over which it has jurisdiction or advisory power.

If the meeting is:

A chance or social meeting of a public body

Closed meeting:

- 1) if approved by two-thirds of a quorum, and
- 2) if the matters discussed are the
 - a) character, professional competence, or physical or mental health of an individual
 - b) pending or reasonably imminent litigation
 - c) deployment of security personnel, devices, or systems
 - d) investigative proceedings regarding alleged criminal misconduct
 - e) adjudicative deliberation (see Common Cause of Utah v. Utah Public Service Commission (1979), 598 P2d 1312)

(Other purposes justifying closing a meeting but which are usually not applicable to DEQ are listed in UCA Section 52-4-205)

A resolution, rule, contract or appointment may not be approved at a closed meeting.

**Subject to
Open and
Public
Meetings Act?**

Yes

Yes

No

Yes

DEQ – Open Mtgs Act – Public Notice Requirements

For each open meeting the following requirements must be met:

- 1) At least 24 hours prior public notice of each meeting.
- 2) Public notice includes:
 - a. the meeting date, time, and place (for electronic meetings the anchor location where the public may attend), and
 - b. the agenda listing each topic and item to be considered at the meeting with reasonable specificity (a topic not listed that is raised during an open meeting may be discussed but no final action may be taken).
- 3) Written notice posted at the principal office of the public body, or if no principal office exists, at the building where the meeting is to be held, and for electronic meetings at the anchor location.
- 4) Notice provided to at least one newspaper of general circulation within the geographic jurisdiction of the public body and (statute states “or”, rule states “and”) a local media correspondent.

In addition, yearly, the following must be met:

- 1) Public notice given at least once a year for a public body which holds regular meetings that are scheduled in advance over the course of a year.
- 2) Notice includes the date, time and place of the scheduled meetings
- 3) Notice is posted and provided to media as described above for individual meetings.

Encouraged, but not required:

- 1) Use electronic means to provide notice to media
- 2) Provide public notice to all media that make a periodic written request to receive notice
- 3) Post public notice on the Internet

Emergency Meeting (requires approval of majority of members based on unforeseen circumstances making it necessary):

- 1) If public notice requirements can't be met, the best practicable notice shall be given which at a minimum shall include:
 - a. posting the agenda and notice of the meeting at agency office,
 - b. if meeting is electronic, specify the anchor location where public can attend, and
 - c. electronic or telephonic notice to at least one newspaper of general circulation and one local media correspondent.
- 2) Attempt to notify all members of a public body, and if meeting is electronic advise how members may appear electronically.

Closed Meeting

Requires same public notice for open meeting

Checklist

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DEQ - Recording and Minutes Requirements under the Open and Public Meetings Act

Open Meetings:

Written minutes and recording, both, are required of all meetings covered by the Act except either minutes or recording is required for site visits or a traveling tour but only if no vote or action is taken, otherwise both are required.

Recording shall be a complete and unedited record of all portions of the open and closed meeting (except as discussed below for some closed meetings) from the commencement through the adjournment.

Minutes and recording shall include:

- 1) date, time and place of the meeting,
- 2) names of members present and absent,
- 3) the substance of all matters proposed, discussed or decided,
- 4) a record, by individual member, of votes taken,
- 5) the name of each person who provided testimony and the substance in brief of their testimony, and
- 6) any other information that any member requests be entered in the minutes or recording
- 7) for emergency meetings, statement of unforeseen circumstances that made meeting necessary
- 8) the reasons for closing all or any portion of a meeting, location of closed meeting, and the vote by name, of each member, either for or against closing a meeting.

Closed Meetings:

- 1) public body shall make a recording, and may keep written minutes (except if meeting is closed exclusively for the purpose of discussing character, professional competence, or physical or mental health of an individual, or deployment of security personnel, devices, or systems and the presiding officer signs a sworn statement affirming the purpose for closed meeting)
- 2) recording and minutes shall include:
 - a) Date, time, and place of meeting
 - b) Names of members present and absent
 - c) Names of all others present except where disclosure would infringe on confidentiality necessary to fulfill purpose of closing meeting

Checklist

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